

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

RKESH TAORI

Serial No. 09/725,415

Filed: NOVEMBER 29, 2000

Title: Method OF AND SYSTEM FOR CODING AND DECODING SOUND SIGNALS

Commissioner for Patents  
Alexandria VA 22313

Atty. Docket

PHN 17,762

Group Art Unit: 2654

Examiner: VIJAY B. CHAWAN

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PETITION TO WITHDRAWN HOLDING OF ABANDONMENT BASED ON  
FAILURE TO TIMELY FILE A PROPER REPLY

Sir:

This Petition responds to a Notice of Abandonment mailed July 28, 2004 (attached as Exhibit 1). The Notice holds that this application is abandoned for "failure to timely file a proper reply to the Office letter mailed on December 11, 2003" (attached as Exhibit 2).

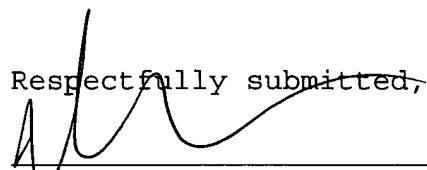
Applicant hereby petitions that the holding of abandonment be withdrawn because a proper response was timely mailed with a certificate of mailing in accordance with 37 CFR §1.8(a)(1)(i)(A).

Specifically, on March 1, 2004, in response to the office letter, Applicant deposited with the United States Postal Service, with sufficient postage as first class mail, an envelope addressed according to 37 CFR §1.1(a), containing the Amendment (attached as Exhibit 3) including a certificate of mailing, together with an acknowledgment of receipt postcard. The amendment meets the requirements for a response under 37 CFR §1.111. The mailing date, is well within the six months permitted to respond to the Office letter before abandonment of the application. Thus, the proper response with the proper certificate of mailing was timely and properly mailed, and the Patent and Trademark Office is required to consider the response to be timely filed in accordance with 37 CFR §1.8(a). Acknowledgement of receipt post card (attached as Exhibit 4).

Accordingly, it is requested that the holding of abandonment be withdrawn, and that the Amendment be entered, and that the status of the above-identified application be changed from abandoned to pending.

If there are any difficulties regarding this matter, it is requested that the undersigned be contacted at the telephone number indicated below.

Respectfully submitted,

  
Daniel J. Piotrowski  
Reg. No. 42,080  
Attorney  
(914) 333-9624  
August 23, 2004

Enclosures: Exh. 1: Copy of July 28, 2004 Notice of Abandonment  
Exh. 2: Copy of December 11, 2003 Office Action  
Exh. 3: Copy of March 1, 2004 Amendment  
Exh. 4: Copy of return post card receipt

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**CERTIFICATE OF MAILING**

It is hereby certified that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to:

**COMMISSIONER FOR PATENTS  
Alexandria, VA 22313**

On

August 23, 2004

By

Edna Chapo



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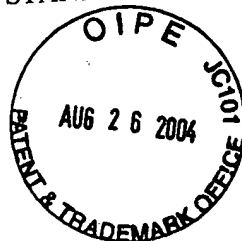
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,415	11/29/2000	Rakesh Taori	PHN 17,762	9540

24737 7590 07/28/2004

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EXAMINER
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CHAWAN, VIJAY B

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED	DATE	INITIAL
COMPUTER	PC AUG 04 2004	
SECRETARY	8/4/04	ec
ATTORNEY		

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04 JUL 30 AM 10:35

# Notice of Abandonment

Application No.

09/725,415

Examiner

Vijay B. Chawan

Applicant(s)

TAORI, RAKESH

Art Unit

2654

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 11 December 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

A phone call was placed to the Applicant on 7/19/04. Applicant failed to confirm that any response to the outstanding office action was made.

*Vijay B. Chawan*  
Vijay B. Chawan

Primary Examiner

VIJAY B. CHAWAN

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PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.136, should be promptly filed to minimize any negative effects on patent term.